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March 22, 2012

VIA ECF

Honorable Magistrate Gary R. Brown
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

Re: **KMC Exim Corp. v. Pacific World Corp.**
Case No. 1:11-cv-00225 (LDW)(EIB)

Dear Judge Brown:

We are counsel for KMC Exim Corporation ("KMC"), the plaintiff in the above-captioned action, but write on behalf of both parties to this action.

The parties in the above-referenced action have conferred, and jointly request a sixty (60) day continuance in this matter in order to facilitate continued settlement discussions. This request would alter the dates currently in place (see the Court's Orders of June 1, 2011 and March 7, 2012) as follows:

| DEADLINE | CURRENT DATE | PROPOSED DATE |
|--|----------------------------|--|
| Complete all depositions of fact witnesses | March 31, 2012 | May 31, 2012 |
| Expert Discovery | June 15, 2012 | August 15, 2012 |
| List of Trial Witnesses and Exhibits | July 5, 2012 | September 5, 2012 |
| Final Pretrial Conference | July 11, 2012 (telephonic) | On or about September 11, 2012, at the convenience of the Court. |



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The parties have previously received extensions to the fact discovery period (Orders dated January 9, 2012, Docket Index 19 and March 7, 2012), although such extensions did not impact the Court's dates for the close of expert discovery or the final pretrial conference. This is the first request for an extension by the parties that impacts the trial date in this matter.

The parties have been engaging in continued settlement discussions. These discussions had been proceeding through counsel, and recently have included direct negotiations between the principals. The parties are continuing in good faith to seek a business resolution to this dispute. In the meantime, there are three full-day depositions scheduled to take place next week, and the parties must also exchange expert reports on issues on which they bear the burden of proof within the next several weeks and rebuttal reports thereafter. Thus, there will be considerable expenses incurred by both sides in the absence of a continuance from the Court. In view of the heightened prospects of settlement, the parties would appreciate the opportunity to avoid incurring these expenses while they continue to work to resolve this dispute.

As additional depositions are scheduled to begin in California on Tuesday, March 27, 2012 unless the requested continuance is granted, the parties respectfully request the Court's prompt and favorable attention to this request.

Respectfully submitted,

/s/ Paul Ackerman

Paul D. Ackerman

cc: Counsel of record *via* ECF